

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

FRANKLIN J. HOSTETLER,)	
)	
Plaintiff,)	
v.)	Case No. 3:21-cv-401
)	
JOHN THACKRAY;)	
MSA SAFETY SALES, LLC; and)	
MSA SAFETY, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Now comes Defendants MSA Safety, Inc., (“MSA Safety”) and MSA Safety Sales, LLC (“MSA Safety Sales”), by and through undersigned counsel and pursuant to 28 U.S.C. §1441 hereby files this Notice of Removal of this action pending before the Circuit Court of LaPorte County, Indiana, Cause Number 46C01-2104-CT-000867 to the United States District Court for the Northern District of Indiana, South Bend Division. In support thereof, these removing Defendants aver as follows:

1. That there was commenced on or about April 30, 2021, and is now pending in the Circuit Court of LaPorte County, Indiana, an action docketed as Cause Number 46C01-2104-CT-000867 in which Franklin J. Hostetler (“Hostetler”) is the Plaintiff, and John Thackray, MSA Safety Sales, LLC, and MSA Safety, Inc. are the named Defendants.

2. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings and orders filed in the State Court Action are attached hereto as **Exhibit A**.

3. In this civil action, Plaintiff is alleging negligence as a result of an automobile incident. Based on Plaintiff’s pre-suit demand, the amount in controversy herein exclusive of costs and interests is in excess of \$75,000.00.

4. This action involves a controversy between citizens of different states:

- (a) Plaintiff Hochstetler is a citizen and resident of the State of Indiana.
- (b) Defendant, MSA Safety Incorporated is a Pennsylvania corporation with its principal place of business in Pennsylvania.
- (c) Defendant, MSA Safety Sales, LLC is a Pennsylvania limited liability company with its principal place of business in Pennsylvania. It is an indirect, wholly owned subsidiary of Defendant, MSA Safety Incorporated. The sole member of MSA Safety Sales, LLC is MSA Worldwide, LLC. MSA Worldwide, LLC is a Pennsylvania limited liability company whose principal place of business is in Pennsylvania. The sole member of MSA Worldwide, LLC is MSA Safety Incorporated.
- (d) Defendant John Thackray is a citizen and resident of the State of Pennsylvania.

5. All Defendants consent to the removal of this action to federal court.

6. That this action is one which the District Court of the United States has been given original jurisdiction pursuant to 28 U.S.C. §1332.

7. That this Notice of Removal is timely filed in this case as the Complaint was filed on April 30, 2021 and service occurred on May 6, 2021 to Defendant MSA Safety Incorporated.

8. That written notice of the filing of this Notice of Removal will be given to all parties as required by law.

9. That a true and accurate copy of this Notice of Removal will be filed with the Clerk of Courts for the LaPorte Circuit Court of Indiana and counsel of record.

Wherefore, Defendants MSA Safety Sales, LLC and MSA Safety, Inc. prays that the above action now pending against it in the Circuit Court of LaPorte County, Indiana, be removed therefrom to this Court.

Respectfully submitted,

/s/ Pamela A. Paige

Pamela A. Paige (#16163-49)

PLUNKETT COONEY, P.C.

201 N. Illinois St., 16th Floor

Indianapolis, IN 46204

Telephone: (317) 964-2730

ppaige@plunkettcooney.com

Attorney for Defendants MSA Safety, Inc.

and MSA Safety Sales, LLC

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electric filing system, this 4th day of June 2021 to:

V. Michael Drayton
DRAYTON, BIEGE, SIRUGO & ELLIOTT,
LLP
820 Jefferson Avenue
LaPorte, IN 46350

/s/ Pamela A. Paige

Pamela A. Paige (16163-49)

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